

FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER
OPTI-0125

U.S. APPLICATION NO. (If known) 37 CFR 1.5)

181589839INTERNATIONAL APPLICATION NO.
PCT/US2005/004979INTERNATIONAL FILING DATE
17 February 2005 (17.02.2005)PRIORITY DATE CLAIMED
17 February 2004 (17.02.2004) and 02 March 2004
(02.01.2004)**TITLE OF INVENTION COMPOSITIONS USEFUL AS FABRIC SOFTENERS****APPLICANT(S) FOR DO/EO/US John W. Moore, Christopher S. Moore, Cassie M. Lilienthal and Ashwinkumar Jaju**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9), and (21) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4) (**a copy of the executed Declaration of Inventorship**).
10. An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.182-1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:
 - a copy of the Article 19 amendment filed September 26, 2005;
 - a copy of the front page of the republished application including the international search report and amended claims under Article 19;
 - a copy of the Notification of Transmittal of the International Search Report;
 - a copy of the Written Opinion;
 - a copy of the Response to Invitation to correct Declaration (including the executed Declaration of Inventorship);
 - a return postcard.

EV427089965USEXPRESS MAIL Mailing Label No. EV 427089965 US
Date of Deposit: August 17, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid IMB control number.

U.S. APPLICATION NO. (If known) (37 CFR. 1.5)	INTERNATIONAL APPLICATION NO. PCT/US2005/004979			ATTORNEY DOCKET NUMBER OPTI-0125
The following fees are submitted:				
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300				
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0.00				
All other situations \$200				
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				
TOTAL of 21, 22 and 23 = \$300.00				
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
37- 100 =	0/50=	0	X \$250	
Surcharge of \$130.00 for furnishing any of the search fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				
Claims	Number Filed	Number Extra	Rate	
Total claims	36- 20 =	16	X \$50	
Independent Claims	3- 3 =	0	X \$200	
Multiple dependent claims(s) (if applicable) + \$360				
TOTAL OF ABOVE CALCULATIONS = \$1,100.00				
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				
SUBTOTAL = \$550.00				
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +				
TOTAL NATIONAL FEE = \$550.00				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				
TOTAL FEES ENCLOSED = \$550.00				
Amount to be: \$ refunded				
Amount to be: \$ charged				

10/589839
IAP11 Rec'd PCT/PTO 17 AUG 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. Department of Commerce

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid IMB control number.

- a. A check in the amount of \$550.00 to cover the above fee is enclosed.
- b. Please charge my Deposit Account No. 23-3050 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner if hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3050. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Dianne B. Elderkin
Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100


SIGNATURE

Wendy A. Choi
NAME

36,697
REGISTRATION NUMBER

18/589839
IAP11 Rec'd PCT/PTO 17 AUG 2006

DOCKET NO. OPTI-0121

**Before the International Bureau of the
World Intellectual Property Organization
Via Facsimile and International Courier
Facsimile No. +41-22-740-1435**

Date Sent: September 26, 2005

International Application No.: PCT/US2005/004979

International Filing Date : February 17, 2005.

Title : COMPOSITIONS USEFUL
AS FABRIC SOFTENERS

Applicant : Optimer, Inc.

**LETTER ACCOMPANYING AMENDMENT AND
STATEMENT UNDER PCT ARTICLE 19**

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Dear Sir, Madam:

In response to the International Search Report dated July 25, 2005, Applicants submit the following amendment under Article 19. The sheet numbered 37 is enclosed to replace originally submitted sheet 37 of the claims.

Claims 35 and 36 have been added. The new claims read as follows.

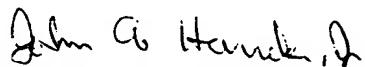
35 (new). A composition, comprising:

- a. at least one fatty material;
- b. at least one polymer selected from the group consisting of water-dispersible polyolefin, water-soluble polyorganosiloxane having substituents, and water-dispersible polyorganosiloxane having substituents; and
- c. discrete, individual polymer particles that are selected from the group consisting of polytetrafluoroethylene (PTFE), polyvinyl acetate (PVA), polyvinyl acetate/acrylic copolymer (PVA/a), and combinations thereof.

36 (new). The composition of claim 35 wherein said polymer particles are polytetrafluoroethylene.

The basis for these claims can be found, for example, in Example 16 spanning pages 30 and 31. The remaining claims are unchanged. Therefore, upon entry of this response, claims 1-36 will be pending in the application. No new matter has been added.

Respectfully submitted,



John A. Harrelson, Jr.
Attorney for Applicant

WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

OPTI-0121

**IN THE INTERNATIONAL BUREAU OF WIPO
for the Patent Cooperation Treaty**

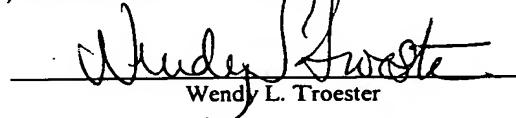
In re application of: **OPTIMER, INC., John W. Moore, Christoher S. Moore,
Cassie M. Lilienthal, and Ashwinkumar Jaju**

International Application No.: **PCT/US2005/004979**

International Filing Date: **17 February 2005**

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile on **01 June 2005** to The International Bureau of WIPO, 34, chemin des Colombettes, 1211 Geneva 20, Switzerland, at facsimile no. 011 41 22 740-14-35


Wendy L. Troester

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

**RESPONSE TO INVITATION TO CORRECT DECLARATION(S)
MADE IN THE REQUEST UNDER PCT RULE 4.17 MAILED 01 APRIL 2005**

In response to the Invitation to Correct Declaration, enclosed is a copy of the Declaration of Inventorship (Sheet Nos. 4 and 5 of the PCT Request) signed by the inventors, John W. Moore, Christopher S. Moore, and Ashwinkumar Jaju on February 22, 2005 and signed by Cassie M. Lilenthal on March 14, 2005.

A courtesy copy of this Response is being forwarded concurrently to the U.S. Receiving Office by mail.

Respectfully submitted,

Date: 6/1/05

John A. Harrelson, Jr.
John A. Harrelson, Jr.
Agent for Applicant
Registration No. 42,637

Enclosure

WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone: 215-568-3100
Facsimile: 215-568-3439